

# APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

SECRETARY OF STATE

Secretary of State  
1700 W. Washington, 7th Floor  
Phoenix, AZ 85007

SECRETARY OF STATE

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

Elimination of Redundant and Ineffective Government Laws, Rules, Policies, Regulations and Ordinances Act

This Amendment to the Constitution will mandate the elimination of redundant and ineffective laws, rules, policies, regulations and ordinances for the state, its political subdivisions, and private entities that receive significant public funds. It will require a mandatory review and expiration procedure, and require all regulation to have a proven benefit without conformance to societal, moral or religious beliefs.

X Janice Salerno  
Signature of Applicant

Janice Salerno  
Printed Name of Applicant

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Janice Salerno - Chairman  
Name of Officer and Title

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Date of Application	<u>December 3, 2012</u>
Signatures Required	<u>259, 213</u>
Deadline for Filing	<u>July 3, 2014</u>
Serial Number Issued	<u>C-01-2014</u> <u>C-01-2014</u> <u>000000</u>
FOR OFFICE USE ONLY	

OFFICIAL TITLE  
AN INITIATIVE MEASURE

ADDING ARTICLE XXIII, CONSTITUTION OF ARIZONA, RELATING TO  
THE ELIMINATION OF REDUNDANT AND INEFFECTIVE LAWS AND  
REGULATIONS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Part 1. Title.

This act may be cited as the "Elimination of Redundant and Ineffective Government Laws, Rules, Policies, Regulations and Ordinances Act."

Part 2. Purpose.

The People of Arizona find and declare the following:

Arizona has redundant and ineffective laws, rules, policies, regulations and ordinances. The Act will eliminate these laws with a review and expiration procedure, and require each one to be a proven benefit to our cities, counties, states and citizens while eliminating ones that force citizens and businesses to conform to societal, moral, and religious beliefs or conduct, or resolve a problem that is nonexistent.

Part 3. Article XXIII, Constitution of Arizona, is added with the following:

SECTION 1. ALL LAWS, RULES, POLICIES, REGULATIONS, AND ORDINANCES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND PRIVATE ENTITIES THAT RECEIVE SIGNIFICANT PUBLIC FUNDS SHALL BE CLEAR AND CONCISE, PROVIDE A TANGIBLE BENEFIT, BE SUBJECT TO UNDERSTANDING BY ANY HIGH-SCHOOL GRADUATE, SHALL NOT TRANSFER RIGHTS, PRIVILEGES, OR PROPERTY FROM SOME CITIZENS TO OTHER CITIZENS WITHOUT A SIGNIFICANT BENEFIT, SHALL DO MORE GOOD THAN HARM, SHALL PRODUCE A PROVEN BENEFIT AND SHALL NOT BE AN UNDUE INVASION OF A PERSON'S LIFE OR PROHIBIT ACTIVITY ON THE GROUNDS THAT THE ACTIVITY MAY NOT RECEIVE GENERAL ACCEPTANCE.

SECTION 2. ANY CITIZEN OR BUSINESS AFFECTED BY A LAW, RULE, POLICY, REGULATION OR ORDINANCE MAY CHALLENGE THE CONSTITUTIONALITY OF SUCH LAW, RULE, POLICY, REGULATION OR ORDINANCE AS INCONSISTENT WITH THIS ARTICLE BY SPECIAL ACTION IN THE SUPERIOR COURT OF JURISDICTION. A SPECIAL ACTION CHALLENGING THE CONSTITUTIONALITY UNDER THIS ARTICLE SHALL BE HEARD AND EVIDENCE SHALL BE PRESENTED. THE COURT SHALL

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RENDER THE FACTUAL DETERMINATION OF WHETHER THE LAW, RULE, POLICY, REGULATION OR ORDINANCE IS CONSISTENT WITH THE STANDARDS IN THIS ARTICLE BY CLEAR AND CONVINCING EVIDENCE WITH THE BURDEN OF PROOF BORNE BY THE ENTITY ENACTING THE LAW, RULE, POLICY, REGULATION OR ORDINANCE. THE COURT MAY DETERMINE THE LAW, RULE, POLICY, REGULATION OR ORDINANCE UNCONSTITUTIONAL IN TOTAL, OR ALTERNATIVELY, MAY DETERMINE IT UNCONSTITUTIONAL AS APPLIED TO THE CITIZEN OR BUSINESS AFFECTED BY IT.

SECTION 3. NO LAW, RULE, POLICY, REGULATION OR ORDINANCE MAY EXEMPT GOVERNMENT EMPLOYEES FROM COMPLIANCE WHILE REQUIRING COMPLIANCE FROM NON-GOVERNMENT EMPLOYEES, NOR SHALL A LAW, RULE, POLICY, REGULATION OR ORDINANCE ALLOW DIFFERENT STANDARDS OR TREATMENTS BETWEEN GOVERNMENT AND NON-GOVERNMENT EMPLOYEES.

SECTION 4. IF THE ACTIVITY OR CONDUCT OF A CITIZEN OR BUSINESS IS PENALIZED UNDER MORE THAN ONE LAW, RULE, POLICY, REGULATION OR ORDINANCE, THE CITIZEN OR BUSINESS SUBJECT TO THE DUPLICATIVE PENALTIES MAY CHOOSE THE SINGLE APPLICATION TO THE CITIZEN OR BUSINESS.

SECTION 5. ALL LAWS, RULES, POLICIES, REGULATIONS AND ORDINANCES SHALL BE SUBJECT TO EQUAL PROTECTION AND DUE PROCESS PROTECTIONS IF THEY HAVE BEEN ENACTED BY PRIVATE ENTITIES THAT RECEIVE SIGNIFICANT PUBLIC FUNDS.

SECTION 6. ALL PROSPECTIVE LAWS, RULES, POLICIES, REGULATIONS, AND ORDINANCES OF THE STATE, ITS POLITICAL SUBDIVISIONS, AND PRIVATE ENTITIES THAT RECEIVE SIGNIFICANT PUBLIC FUNDS ENACTED SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ACT SHALL EXPIRE ON THE FIFTH ANNIVERSARY OF THEIR ENACTMENT UNLESS:

A. THEY ARE AMENDED, AND IN THAT EVENT, SHALL EXPIRE ON THE FIFTH ANNIVERSARY OF THE ENACTMENT OF THE AMENDMENT.

B. THEY ARE INDIVIDUALLY RENEWED AFTER INDIVIDUAL CONSIDERATION BY THE RESPECTIVE ENACTING POLITICAL BODY, PRIVATE ENTITY, OR THE GENERAL ELECTORATE, IN THE CASE OF BALLOT PROPOSITIONS.

SECTION 6. ALL PRIOR LAWS, RULES, POLICIES, REGULATIONS, AND ORDINANCES OF THE STATE, ITS POLITICAL SUBDIVISIONS, AND PRIVATE ENTITIES THAT RECEIVE SIGNIFICANT PUBLIC FUNDS ENACTED

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PREVIOUS TO THE EFFECTIVE DATE OF THIS ACT SHALL EXPIRE TWO YEARS FROM THE EFFECTIVE DATE OF THIS ACT UNLESS:

A. THEY ARE AMENDED, AND IN THAT EVENT, SHALL EXPIRE ON THE FIFTH ANNIVERSARY OF THE ENACTMENT OF THE AMENDMENT.

B. THEY ARE INDIVIDUALLY RENEWED AFTER INDIVIDUAL CONSIDERATION BY THE RESPECTIVE ENACTING POLITICAL BODY, PRIVATE ENTITY OR THE GENERAL ELECTORATE, IN THE CASE OF BALLOT PROPOSITIONS.

SECTION 7. ANY LAW, RULE, POLICY, REGULATION, AND ORDINANCE OF THE STATE, ITS POLITICAL SUBDIVISIONS, AND PRIVATE ENTITIES THAT RECEIVE SIGNIFICANT PUBLIC FUNDS THAT ARE NOT CONSISTENTLY ENFORCED AND EQUALLY APPLIED MAY BE DETERMINED TO BE UNCONSTITUTIONAL AS APPLIED TO ANY SPECIFIC INSTANCE. THE BURDEN TO PROVE THE INCONSISTENCY OR INEQUALITY SHALL RESIDE WITH THE CITIZEN OR BUSINESS ASSERTING THE INCONSISTENCY OR INEQUALITY, AND THE INCONSISTENCY OR INEQUALITY SHALL BE AN AFFIRMATIVE DEFENSE IN ANY ENFORCEMENT ACTION FOR ANY SUCH LAW, RULE, POLICY, REGULATION, AND ORDINANCE.

SECTION 8. IF ~~THE STATE~~ A LAW, RULE, POLICY, REGULATION, OR ORDINANCE OF THE STATE REQUIRES TRACKING AND DISCLOSURE OF INFORMATION OR STATISTICS, THE GOVERNMENT ENTITY RECEIVING THE INFORMATION OR STATISTICS SHALL REIMBURSE ALL ACTUAL COSTS ASSOCIATED WITH THE TRACKING AND DISCLOSURE. IF THE RECEIVING GOVERNMENT ENTITY IS FEDERAL IN NATURE OR ORIGIN, THE LEGISLATURE SHALL PRESCRIBE A MANNER FOR REIMBURSEMENT.

SECTION 9. NO LAW, RULE, POLICY, REGULATION, AND ORDINANCE OF THE STATE, ITS POLITICAL SUBDIVISIONS, AND PRIVATE ENTITIES THAT RECEIVE SIGNIFICANT PUBLIC FUNDS SHALL DISTINGUISH, FAVOR OR DISFAVOR, AMONG OR BETWEEN, RELIGIOUS AND SECULAR ORGANIZATIONS OR PERSONS.

SECTION 10. THE PROVISIONS OF THIS ARTICLE SHALL BE EFFECTIVE AND ENFORCEABLE NOTWITHSTANDING ANY OTHER PROVISION IN THE CONSTITUTION OF ARIZONA.

Part 4. Severability.

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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Part 5. Effective date.

This Constitutional Amendment shall become effective on January 1, 2015, and may be applied retroactively by any citizen or business that is, or has been, subject to any enforcement action for a law, rule, policy, regulation, and ordinance.

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